

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JAMES BEAN

v.

UNITED STATES OF AMERICA

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No. 3:14-00148

JUDGE CAMPBELL


ORDER

Pending before the Court is a Motion Under 28 U.S.C. § 2255 To Vacate, Set Aside, Or Correct Sentence, and Memorandum In Support (Docket Nos. 1, 2), filed by the Movant/Petitioner, pro se. In response, the Government filed a Motion To Dismiss (Docket No. 9), to which the Petitioner has filed a response and affidavit (Docket No. 21). For the reasons set forth in the accompanying Memorandum, the Court GRANTS the Government's Motion To Dismiss (Docket No. 9) and DENIES Petitioner's Motion To Vacate (Docket No. 1). Accordingly, this action is DISMISSED.

This Order shall constitute the judgment in this case pursuant to Fed. R. Civ. P. 58.

Should the Petitioner give timely notice of an appeal from this Memorandum and Order, such notice shall be treated as a application for a certificate of appealability, 28 U.S.C. 2253(c), which will not issue because the Petitioner has failed to make a substantial showing of the denial of a constitutional right. Castro v. United States, 310 F.3d 900 (6th Cir. 2002).

It is so ORDERED.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE